	Application No.	Applicant(s)
Notice of Allowability	09/961,026	MCQUAIN, BARRY
	Examiner	**Art Unit**	
	Sara Chandler	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *08/17/07*.

2. ☒ The allowed claim(s) is/are *41-73*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

          International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for

reconsideration of application 09/961,026 (09/20/01) filed on 08/17/07.

Status of Claims

Claims 41 and 56 are currently amended. Claims 42-55 and 57-73 were

previously presented. Claims 1-40 are cancelled. Thus, claims 41-73 are

currently pending.

Allowable Subject Matter

Claims 41-73 are allowed, subject to an examiner's amendment

described below.

An examiner's amendment to the record appears below. Should the

changes and/or additions be unacceptable to applicant, an amendment may be

filed as provided by 37 CFR 1.312. To ensure consideration of such an

amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in by Michael I.

Rackman, Registration #20,639 on Friday, September 21, 2007.

EXAMINER'S AMENDMENT

Please amend claims 41 and 56:

41 (CURRENTLY AMENDED). A system for providing to a

particular client of a financial institution <u>a price spread for a security that is</u>

<u>tailored to the past trading activity of that particular client, the price spread being</u>

<u>the difference between</u> a bid price and an ask price, [for a security that is tailored

to the past trading activity of that particular client, the price spread for the security

being the difference between the ask price and the bid price] comprising:

a pricing engine for providing to clients of the financial institution

price quotes for securities, wherein a price quote comprises a bid price and an

ask price which together determine the price spread for each security,

a past trades database for storing information regarding past trades

executed by clients of the financial institution,

a price quote log for storing information regarding past price quotes

provided to clients of the financial institution, and

a price adjustment module in communication with said pricing

engine for adjusting the price spread for the security provided to said particular

client based on (1) information stored in said past trades database regarding past

trades of that particular client comprising the number of that client's trades, (2)

information stored in said price quote log regarding price quotes provided in the

past to that particular client, and (3) relationships among information regarding

the number of trades of that particular client stored in said past trades database

and said price quote log regarding said particular client in addition to any

adjusting of the price spread for the security that is made uniformly for clients of

said financial institution based on all of the information stored in said past trades

database and said price quote log.

56 (CURRENTLY AMENDED). A method for providing to a

particular client of a financial institution a price spread for a security that is

tailored to the past trading activity of that particular client, the price spread being

the difference between a bid price and an ask price, [for a security that is tailored

to the past trading activity of that particular client, the price spread for the security

being the difference between the ask price and the bid price] comprising the

steps of:

storing information regarding past trades executed by clients of the

financial institution,

storing information regarding past price quotes previously provided

to clients of the financial institution, wherein a price quote comprises a bid price

and an ask price which together determine the price spread for each security,

and

adjusting the price spread based on (1) information regarding past

trades of said particular client comprising the number of that client's trades, (2)

information regarding price quotes previously provided to said particular client,

and (3) relationships between the number of trades of that particular client and

price quotes provided to said particular client in addition to any adjusting of the

price spread for the security that is made uniformly for clients based on past

trades of and price quotes previously provided to clients of the financial institution

as a whole.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Greenwald, US Pat. No. 2002/0161693.

Although Greenwald is similar to the instant application in some respects, there

are clear patentable distinctions.

Greenwald teaches a securities trading system and method. Greenwald teaches a past trades database for storing trade information regarding past trades executed through the system. Greenwald also teaches a pricing engine for providing price quotes for a security to a client. The price engine communicates with the past trades database to receive financial information; and the price engine subsequently provides price quotes to a client based on the financial information and the past trades in the past trades database. Greenwald also teaches a price log for storing price quotes in the security. The pricing engine also provides price quotes based on the past quotes stored in the price log and all current market information obtained from a data source. The pricing engine is also able to update for a client the price quotes, both bid and offer, in real time or near real time.

The instant application teaches a securities pricing system and method. The instant application is distinct from Greenwald in a few ways. First the instant application is directed to the price spread that is provided to a particular client and as a result the price spreads offered to each individual client may be different. In Greenwald on the other hand, the price spreads are generated as a result of information pertaining to the past trade information of clients as a group and the past quotes of clients as a group. Second, the relationship between the past trades offered to the particular client and the past quotes offered to that same client is essential to the claimed invention. For example, the price spread offered to the particular client may be adjusted in various ways based on the ratio

of the number past trades executed by the particular client relative to the number

of past price quotes received by the particular client.

Claim 41 is allowed because the best prior art of record, Greenwald, alone

or in combination, fails to teach or suggest, all the limitations required of a

system for providing to a particular client of a financial institution a price spread

for a security that is tailored to the past trading activity of that particular client, the

price spread being the difference between a bid price and an ask price,

comprising:

a pricing engine for providing to clients of the financial institution price quotes for securities, wherein a price quote comprises a bid price and an ask price which together determine the price spread for each security,

and

a past trades database for storing information regarding past trades executed by clients of the financial institution,

and

a price quote log for storing information regarding past price quotes provided to clients of the financial institution,

and

a price adjustment module in communication with said pricing engine for adjusting the price spread for the security provided to said particular client based on (1) information stored in said past trades database regarding past trades of that particular client comprising the number of that client's trades, (2) information stored in said price quote log regarding price quotes provided in the past to that particular client, and (3) relationships among information regarding the number of trades of that particular client stored in said past trades database and said price quote log regarding said particular client in addition to any adjusting of the price spread for the security that is made uniformly for clients of said financial institution based on all of the information stored in said past trades database and said price quote log.

Independent claim 56 is allowable based on the same rationale as independent claim 41. Dependent claims 42-55 and 57-73 are also allowable for the same reasons discussed above, in that they are dependent on allowed claims 41 and 56.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
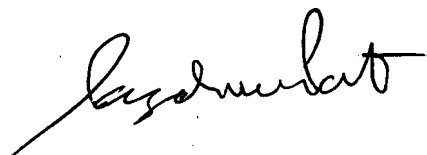
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC

JAGDISH N. PATEL
PRIMARY EXAMINER